

The substitute was declared adopted, the vote being as follows:

**Yeas—14.**

Alderdice.	Hertzberg.
Bell.	Hopkins.
Carlock.	McNealus.
Clark.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Hall.	Woods.

**Nays—12.**

Buchanan of Bell.	Dorough.
Buchanan of Scurry.	Floyd.
Caldwell.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.

**Absent.**

Gibson.

**Absent—Excused.**

Bailey.	Witt.
Johnston.	

**Adjournment.**

At 12:08 o'clock p. m. the Senate, on motion of Senator McNealus, adjourned until 10 o'clock tomorrow morning.

**APPENDIX.**

**Petitions and Memorials.**

Senator Westbrook offered a petition from 100 inmates of the Confederate Home, endorsing the Westbrook board of control bill.

**Committee Reports.**

Committee Room,  
Austin, Texas, February 1, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 125, Being a bill to be entitled "An Act to amend Sections 3 and 7, of Chapter 32, of the local and special laws of the Regular Session of the 35th Legislature, so as to regulate the pay of road hands and teams, and overseers of Gillespie

County, Texas, and declaring an emergency."

Has had said bill under consideration, and I am instructed by the Committee to report the bill favorably to the Senate, and to recommend the passage of this bill, and that it be not printed.

Respectfully submitted,  
WOODS, Chairman.

Committee Room,  
Austin, Texas, February 1, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Insurance and Banking to whom was referred S. B. No. 98, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,  
Austin, Texas, February 1, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Insurance and Banking to whom was referred H. B. No. 66, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

SMITH, Chairman.

**SIXTEENTH DAY**

Senate Chamber,  
Austin, Texas,  
Tuesday, February 4, 1919.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Faust.	Woods.

Williford. Absent.

Absent—Excused.

Johnston.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Excused.

Senator Johnston was excused for yesterday and today on account of sickness on motion of Senator Dean.

Senator Gibson for yesterday on account of important business on motion of Senator Dayton.

Senator Witt was excused for yesterday on account of important business on motion of Senator Buchanan of Bell.

#### Petitions and Memorials.

See appendix.

#### Standing Committee Reports.

See appendix.

#### Special Committee Appointment.

Pursuant to the provisions of the Carlock substitute to the amendment of Senate Bill No. 122, the Chair announces the appointment of Senators Carlock, Caldwell and Strickland to investigate the value of the property and to report its conclusions thereon to the Senate on Friday, February 7, 1919, for further consideration of said bill.

W. A. JOHNSON,  
Lieutenant Governor of Texas.

#### Senate Bill No. 159—Motion to Recommit.

Senator Westbrook moved to recommit Senate Bill No. 159, an emergency appropriation bill for the College of Industrial Arts, to the Committee on Finance.

The motion was lost by the following vote:

Yeas—9.

Alderdice. Buchanan of Bell.  
Bailey. Buchanan of Scurry.

15—Jour.

Floyd.  
McNealus.  
Suiter.

Westbrook.  
Woods.

Nays—11.

Bell.  
Cousins.  
Dean.  
Dorough.  
Dudley.  
Faust.

Gibson.  
Hall.  
Hertzberg.  
Parr.  
Strickland.

Present—Not Voting.

Dayton.

Hopkins.

Absent.

Caldwell.  
Carlock.  
Clark.

Page.  
Smith.  
Williford.

Absent—Excused.

Johnston.

Witt.

#### Senate Bill No. 136—Re-Referred.

By unanimous consent, and on request of Senator Hertzberg, Senate Bill No. 136 was withdrawn from the Committee on Towns and City Corporations and referred to the Committee on Criminal Jurisprudence.

#### Bills and Resolutions.

By Senator Williford:

S. B. No. 184, A bill to be entitled "An Act to make appropriation for the Agricultural and Mechanical College of Texas, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Woods:

S. B. No. 185, A bill to be entitled "An Act to amend Article 233 of the Penal Code of the Revised Criminal Statutes of the State of Texas of 1911, forbidding candidates for office and other persons from paying the poll taxes of others, by striking out the words 'candidates for office,' and changing the penalty, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Dudley:

S. B. No. 186, A bill to be entitled "An Act to provide for the sale, development and patenting of mineral

deposits, placers, veins, lodes, or any rocks or aqueous solutions carrying metallic or non-metallic substances of value excepting oil, natural gas, coal and lignite that may be in any of the land of the public free school fund, University fund, the several Asylum funds, that may have been heretofore sold or disposed of by the State with the reservation of minerals therein or which may hereafter be sold with the reservation of minerals therein and all of said lands as were purchased with a relinquishment of the minerals therein, and all lands of which the mineral rights therein have or shall have reverted to the State of Texas and the said mineral substances that may be in any fresh water lake, salt water lake, bays, inlets, marshes, reefs, islands, and river beds and channels which belong to the State, repealing all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to the Committee on Mining, Irrigation and Drainage.

By Senator Dudley:

S. B. No. 187, A bill to be entitled "An Act to amend Article 7504, Chapter 11, Title 126, of the Revised Civil Statutes of the State of Texas of 1911, relating to taxation, and declaring an emergency."

Read first time and referred to the Committee on Mining, Irrigation and Drainage.

By Senator Hertzberg:

S. B. No. 188, A bill to be entitled, "An Act to amend Article 6002, Chapter 1, Title 97, of the Revised Civil Statutes of the State of Texas of 1911, prescribing the qualifications of notaries public, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hertzberg:

S. B. No. 189, A bill to be entitled "An Act to amend Article 312, Title 12, of the Revised Civil Statutes of the State of Texas of 1911, prescribing the method of making application for license to practice as attorney and counselor-at-law in the courts of this State and prescribing the qualifications of applicants for license to practice law, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Dean, Dayton, Gibson, Carlock, Hertzberg, Dorrough, Floyd, Faust, Bell, Westbrook and Smith:

S. J. R. No. 16, To Amend section 4 of Article 16 of the Constitution of the State of Texas to provide that any citizen of this State after the adoption of this amendment, who shall participate in any mob that takes the life of any person, or who shall aid, abet or assist such mob, shall be deprived of the right of suffrage and from holding any office of trust or profit under this State; and providing that members of the Legislature and all officers before they enter upon the duties of their office shall in addition to the oath prescribed by Section 1 of this Article, take an oath that they have not since the adoption of this provision participated in any mob that takes the life of any person, nor aided, abetted, or in any manner assisted such mob.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Dean:

S. J. R. No. 17, Proposing an amendment to Section 3 of Article 7 of the Constitution of the State of Texas by exempting independent school districts created by special act of the Legislature from the limitation of the total tax of fifty cents on the one hundred dollars valuation for any one year, and making an appropriation therefor.

Read first time referred to Committee on Constitutional Amendments.

By Senator Carlock:

S. B. No. 190, A bill to be entitled "An Act to give authority to every city incorporated under the Laws of Texas, having a population of twenty-five thousand (25,000) or more, according to the U. S. Census of 1910, to require the payment of a Permit Fee, not to exceed Two (\$2.00) Dollars, from the owners and operators of motor vehicles and motor cycles, living within the limits of such city, and also upon the owners and operators of motor vehicles living without the limits of such city, but who operate motor vehicles or motor cycles for the greater portion of the time that they are in use within the limits of such City, as a prerequisite to the right to the use of its streets by such vehicles; to confer upon such

cities the right to pass the necessary ordinances; prescribing that a violation thereof shall constitute a misdemeanor; and that the Permit Fee provided for shall be in addition to those prescribed by the Laws of the State regarding the use of motor vehicles on the public highways; to provide that the revenue derived from the fees collected or fines, imposed shall be applied to the maintenance of the streets and the enforcement of the Traffic Laws within the limits of such City; to repeal all Laws in conflict, and declaring an emergency.

Read first time and referred to Committee on Towns and City Corporations.

By Senator Carlock:—

S. B. No. 191, A bill to be entitled "An Act to make appropriation to cover the cost of installation and equipment of a heating plant at the Grubbs Vocational College, Arlington, Texas, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Hall:—

S. B. No. 192, A bill to be entitled "An Act to require the filing with the clerks of district and county courts of copies of all petitions, answers, motions, notices or other instruments pertaining to suits in such courts; providing for the certification of such copies; prohibiting the removal of original papers from the offices of such clerks, and providing a penalty for such removal; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Strickland:—

S. B. No. 193, A bill to be entitled "An Act to amend Article 997, Chapter 9, of the Revised Civil Statutes of the State of Texas of 1911, relating to the issuance of license to any person or firm to carry on or work at the business of plumbing, or to act as inspector of plumbing and requiring them to obtain license by an examination as to their qualifications from a board of examining and supervising plumbers; regulating the issuance of licenses; repealing Article 998 of the Revised Civil Statutes of the State of Texas of 1911, and declaring an emergency."

Read first time and referred to Committee on Labor.

By Senators Carlock and Dudley:

S. B. No. 194, A bill to be entitled "An Act requiring every person, firm or corporation engaged in the business of operating a garage or repair shop within this State, for the repairing, rebuilding, repainting of automobiles, or engaged in electrical work in connection with automobiles; and also every person, firm or corporation engaged in the purchase or sale or repair of used or second hand cars, to keep a register containing a substantially correct description of every car upon which the work of repair is performed, or which is bought or sold by such second hand dealer of used cars; providing for the inspection of such record by peace officers and other persons interested therein: making unlawful the possession of an automobile with the engine number chiseled off: providing punishment for violation of this Act, and declaring an emergency."

Read first time and referred to Committee on Commerce and Manufacturing.

By Senator Alderdice:

S. B. No. 195, A bill to be entitled "An Act to create a common county line school district to be known as the Lone Cedar District, to be under the jurisdiction, management and control of the county school board of Ellis County, Texas, to be composed of the territory described in this Act and defining the rights, powers and privileges of such district, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Alderdice:

S. B. No. 196, A bill to be entitled "An Act to permit garages, automobile supply stations and gasoline and filling stations to remain open and transact business within certain hours on Sunday, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Woods:

S. B. No. 197, A bill to be entitled "An Act to amend Title 41, Chapter 5 of the Revised Civil Statutes of Texas, 1911, by adding thereto Article 2316a to provide that a justice of the peace shall transfer to the county court cases filed in his court

in which he has no jurisdiction, and to amend Title 41, Chapter 17, of the Revised Civil Statutes of 1911 by adding thereto Article 2393a to provide that the county shall retain jurisdiction of an appeal from a justice court where it appears the latter court had no jurisdiction of the case, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

#### Senate Concurrent Resolution No. 13.

Resolved by the Senate of Texas, the House of Representatives concurring, That all testimony taken in the joint proceeding known as the "Ranger Force Investigation" be printed daily, in the respective Journals of the two Houses, in order that the public may be properly informed.

McNEALUS.

The resolution was read and adopted.

#### Simple Resolution No. 47.

Resolved, That the use of the Senate Chamber be extended to citizens of Texas who desire to hold a Land-Limit League meeting tonight (Tuesday, February 4, 1919).

McNEALUS.

The resolution was read and adopted.

#### Simple Resolution No. 48.

Resolved, That the Chairman of the Senate Central Investigating Committee, created under Simple Resolution No. 18 of the Third Called Session of the Thirty-fifth Legislature, be instructed to approve voucher of Miss Ruth Nichols for 314 hours services rendered in proof-reading reports and audits of the subcommittees, published by authority of Senate Concurrent Resolution No. 11 of the Fourth Called Session of the Thirty-fifth Legislature, and other clerical services rendered in checking audits with the records in the Comptroller's Department, she to be allowed the same per diem as is allowed committee clerks or stenographers of the Senate of the Thirty-

sixth Legislature, on the basis of eight hours' service per day, and to be paid out of appropriation Y-952, contingent expenses of the Thirty-fifth Legislature.

(Signed) Westbrook, Smith, Caldwell, Buchanan of Bell, Hopkins, Strickland, Dorrough, Suiter, Buchanan of Scurry, Clark, Gibson, Alderdice, Hall, Cousins, Floyd, Bell, Dayton, Page, McNealus.

The resolution was read and adopted.

#### Simple Resolution No. 49.

Whereas, the Hon. C. L. Brachfield, and honored ex-member of this body, District Judge and prominent in Texas politics is in the city,

Therefore, We move you, that he be invited to address the Senate, and that he be given the privilege of the floor of this Chamber.

SMITH,  
COUSINS.

The resolution was read and adopted and Judge Brachfield addressed the Senate briefly.

#### Simple Resolution No. 50.

Resolved, That Governor W. P. Hobby be invited to sign Senate Joint Resolution No. 7, being the full suffrage resolution, from the desk of the President of the Senate, in the presence of the Senate, at such time as he may elect, and that he use a gold pen for his official act, presented to him by Hon. Barry Miller, in the name of Mrs. Nona Boren Mahoney, formerly of Tyler, Texas, but now of Dallas, Texas, a distinguished daughter of one of the most prominent Texas families, and a member of the National Suffrage Executive Committee of Texas.

SMITH,  
McNEALUS.

The resolution was read and adopted, and the Chair appointed Senators Smith and McNealus as a special committee to escort Governor Hobby to the President's stand.

• Morning call concluded.

#### Senate Bill No. 28.

The Chair laid before the Senate, on third reading:

S. B. No. 28, A bill to be entitled

"An Act to authorize the appointment of a joint committee from the Senate and House to make a careful and thorough investigation into the subject of taxation, its methods and results, for the purpose of devising and reporting to the Legislature of this State, plans, methods, forms, amendments and bills providing a more just, equitable, economical and effective system of taxation for the State, its counties and municipalities."

The bill was laid before the Senate, read third time and, on motion of Senator Woods, was passed finally.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, February 4, 1919.

Lieutenant Governor W. A. Johnson.  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

By McMillin, Fly, Miller of Dallas, Williams of McLennan:

H. B. No. 306, "An Act to amend Chapter 103 of the General Laws of the State of Texas, Thirty-third Legislature, 1913, being an act fixing the number of members constituting the governing boards of the University of Texas, the Agricultural and Mechanical College of Texas, the Normal Colleges, the College of Industrial Arts for Women, the Blind Institute, the Deaf and Dumb Institute, the Deaf, Dumb and Blind Institute for Colored Youths, the Confederate Home, the Confederate Woman's Home, the State Asylums for the Insane, the State Epileptic Colony, the State Orphans' Home; fixing the term of office of members of such boards; and declaring an emergency."

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

#### Bill Read and Referred

The Chair, Lieutenant Governor Johnson, had referred after its caption had been read, the following House Bill:

H. B. No. 306, referred to the Committee on State Affairs.

#### Senate Bill No. 118.

Senator Dayton called up from the

table and the Chair laid before the Senate on second reading:

S. B. No. 118, A bill to be entitled "An Act to provide for the purchase and distribution by the State of free text books to the public school children of the State of Texas, making it the duty of the State Board of Education to purchase such books from a fund set aside each year out of the available school fund of the State; providing the procedure to be followed in purchase of said books and their distribution through the State agencies or depositories which all parties with whom the State has made text book contracts are required to maintain, and through the district boards of school trustees or their legally appointed representatives; providing the method of ascertaining the scholastics for purposes of free text book distribution; prescribing the duties of district boards of school trustees and of the State Board of Education and the State Superintendent of Public Instruction under the Act; providing for delivery to school trustees of books used previously to 1919, to give to the State the advantage of exchange price on books; providing that such books shall remain the property of the State and for the disposition of worn-out books; providing the method to be followed by teachers and principals in procuring books for their pupils; requiring teachers and school officers to make reports of their use, care and condition of such text books, and providing that the salary of any teacher or employe who neglects may be withheld; providing that the State Superintendent may make rules for the requisition, distribution, care, use and disposal of such books, and that the local boards and school trustees shall have the power to make rules for local application; providing for the placing of printed labels on such books and numbering the same and for the safe keeping of a record of all books issued to each pupil; providing for the fumigation of all books before re-issuance; authorizing the sale of books to parents and pupils and to institutions of learning; providing that all moneys accruing from the sale of books and from other sources shall become a part of the State text book fund; providing for the handling of complaints with reference to the prompt delivery of school books and for requisitions for supplement-

ary books; providing that the State Superintendent of Public Instruction shall notify all persons holding contracts with the State for school books that the State has taken over the contracts under the terms thereof and in accordance with the laws of the State; fixing a penalty for a violation of this Act, and providing that the furnishing of the pupil with free text books shall not begin under this Act until the commencement of the scholastic year of 1919-20, and declaring an emergency."

On motion of Senator Dayton, the bill was read and considered section by section.

Senator Dayton offered the following amendment to Section 4 of S. B. No. 118:

Amend Senate Bill No. 118, Section 4, page 3, printed bill, by striking out lines 12, 13, 14, 15, 16, 17, 18 and 19.

The amendment was read and adopted.

Senator Alderdice offered the following amendment which was read and adopted:

(2) Amend S. B. No. 118 by inserting before the word "approval" in line 25 page 3, the following: "the laws of this State and".

Senator Dayton offered the following amendment which was read and adopted:

(3) Amend Senate Bill No. 118, Section 6, line 15, page 4, printed bill by inserting after the words "emergency orders" the following, "the cost above established freight rates for filling such emergency orders may be added to price of books so shipped."

Senator Dayton offered the following amendment which was read and adopted:

(4) Amend Senate Bill No. 118, Section 11, page 7, printed bill, line 2, by striking out the word "average" and insert in lieu thereof the word "maximum". And in line 4 strike out the figures "25" and insert in lieu thereof the figures "15".

Senator Faust offered the following amendment which was read and adopted:

(5) Amend Senate Bill No. 118 by inserting between the comma and the term "etc" in line No. 17 in Section No. 14 thereof the following "crayon, erasers; pens, ink, pencils, maps, tablets".

Senator Dayton offered the following amendment which was read and adopted:

(6) Amend Senate Bill No. 118, Section 15, lines 25, 26, 27, 28 and 29, printed bill, by striking out the following:

"Each pupil or its parent or guardian, shall be required to make a deposit of One Dollar, which sum shall be returned to him when his books are returned in good condition. No child may be exempted from the provision of this section without the oath of the parent that he is unable to make this deposit". And down to end of paragraph insert in lieu thereof, the following:

"Each pupil or its parent or guardian, shall be responsible to the teacher for all books not returned by the pupil. And said pupil not returning all books delivered to him or her shall not be entitled to the benefits of this Act, until said books are paid for by said parent or guardian of said child."

Senator Suiter offered the following amendment which was read and adopted:

(7) Amend Senate Bill No. 118 by inserting in line 20, page 7 after the words "per cent" the following: "per annum".

S. B. No. 118, pending.

#### Simple Resolution No. 51.

(By unanimous consent.)

Be It Resolved by the Senate of the State of Texas that the Adjutant General be requested to have prepared and submit to the Senate a list of all the names of all special rangers now on the force and who were on said force on the 5th day of November, 1918.

CLARK.

The resolution was read and adopted.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, February 4, 1919.  
Lieutenant-Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 1, A bill to be entitled "An Act to regulate the practice of denistry or dental surgery in the State of Texas, providing for the examination and registration of per-

sons desiring to practice dentistry and dental surgery, and the issuance of license therefor, prescribing the qualifications of the Board of Examiners, prescribing fees that may be charged for registration, making it unlawful for any person not licensed under the provisions of this act to practice dentistry, defining a reputable dental college or school, providing for registration of persons who have been engaged in the practice of dentistry in other States, for the revocation of license granted by the Board of Examiners upon satisfactory evidence of misconduct on the part of the licensee, for the exhibition of his or her license by persons engaged in the practice of dentistry; prohibiting any person from advertising or soliciting business under any other than his or her proper and legal name; prescribing the fees to be charged by the Board of Examiners for examination fees; penalties for the violation of any of the provisions of this act; repealing all laws or parts of laws in conflict with this act, and declaring an emergency."

H. B. No. 3, A bill to be entitled "An Act defining and prescribing what shall constitute actionable fraud in this State; and prescribing a rule for damages to be recovered against persons committing fraud as defined in this act, and declaring an emergency."

Respectfully submitted,  
T. B. REESE,  
Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair (Lieutenant Governor Johnson) had referred, after their captions had been read, the following House Bills:

H. B. No. 1, referred to the Committee on Public Health.

H. B. No. 3, referred to the Committee on Criminal Jurisprudence.

#### Senate Bill No. 29.

The Chair laid before the Senate on second reading:

S. B. No. 29, A bill to be entitled "An Act to permit Riviera Beach and Western Railway Company to take up and remove its entire railroad, including the line from Riviera to Riviera Beach, and to sell and dispose

of and abandon the same, together with its lands and equipment, and to dissolve said corporation, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 29 put on its third reading and final passage by the following vote:

Yeas—25

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Scurry.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	Woods.
Hall.	

Absent.

Bell.	Carlock.
Buchanan of Bell.	Johnston.
Caldwell.	

The bill was laid before the Senate, read third time and, on motion of Senator Parr, was passed by the following vote:

Yeas—25

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Bell.	Johnston.
Caldwell.	Williford.
Gibson.	

#### House Bill No. 145.

The Chair laid before the Senate on second reading:

H. B. No. 145, A bill to be entitled



"An Act to amend Sections 1, 2 and 8, Chapter 118, Special Laws, enacted at the Regular Session of the Thirty-fifth Legislature, known as a Special Road Law for Cherokee County, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended by unanimous vote.

The committee report that the bill be not printed was adopted.

The bill was, on motion of Senator Strickland, passed to its third reading.

### Adjournment.

At 12:20 o'clock p. m. the Senate, on motion of Senator McNealus, adjourned until 10 o'clock tomorrow.

### APPENDIX.

#### Petitions and Memorials.

Senator Bailey offered a petition from citizens of Yorktown, protesting against pool hall legislation.

On request of Senator Bailey the petition was referred to the Committee on Criminal Jurisprudence.

#### Engrossing Committee Report.

Austin, Texas, Feb. 4, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 28 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Feb. 3, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 164, A bill to be entitled "An Act to define as common carriers within the State persons, firms, associations of persons and corporations operating motor vehicles and other self-propelling public conveyances, etc.,"

Have had same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

BUCHANAN of Scurry,  
Chairman.

Senate Chamber,  
Austin, Texas, Feb. 4, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 159, A bill to be entitled "An Act to make an emergency appropriation for the further maintenance for the remainder of the regular session and for the summer session of 1919 of the College of Industrial Arts, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WESTBROOK, Chairman.

(Floor Report.)

Senate Chamber,  
Austin, Texas, Feb. 4, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 145, A bill to be entitled "An Act to amend Sections 1, 2 and 8, Chapter 118, Special Laws enacted at the Regular Session of the Thirty-fifth Legislature, known as a Special Road Law for Cherokee County, and declaring an emergency,"

Have had the same under consideration and report it back to the Senate with the recommendation that it do pass and be not printed.

Woods, Chairman, Carlock, Strickland, Williford, Caldwell.

Committee Room,  
Austin, Texas, February 3, 1919.  
Honorable W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 124, Being a bill to be entitled "An Act to provide the method of selecting a special venire in counties other than those having the wheel system, for the selection of juries, by adding to Revised Code of Criminal Procedure a new Article

to be known as Article 660a, and declaring an emergency."

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, February 3, 1919.

Honorable W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 102, Being a bill to be entitled, "An Act amending Article 3621, Chapter 31, Title 52 of the Revised Civil Statutes of the State of Texas of 1911, providing the commissions allowed executors and administrators of the estates of deceased persons shall not exceed ten per cent of the net value of the estate; provided when ten per cent of the net estate is not a reasonable compensation the County Judge shall allow compensation; and declaring an emergency."

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do not pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, February 3, 1919.

Honorable W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 121, Being a bill to be entitled "An Act to amend Article 839, Chapter 1 of the Code of Criminal Procedure of the State of Texas, approved March 31, A. D. 1911, and also to amend Article 2023, Chapter 17 of the Revised Civil Statutes of the State of Texas, approved April 1, A. D. 1911, both articles having reference to the times of filing motions for new trial and in arrest of judgment, and declaring an emergency."

Has had said bill under consideration, and I am directed to report the same back to the Senate with recommendation that it do pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 114, A bill to be entitled "An Act to fix the venue of suits for damages for libel and slander,"

Has had the same under consideration and I am directed to report same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred H. B. No. 98, A bill to be entitled "An Act to fix the compensation of county and district court jurors in both civil and criminal cases, jury commissioners of the district and county court, and bailiffs of the grand jury,"

Has had the same under consideration and I am directed to report it back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 113, A bill to be entitled "An Act to amend Article 5685 of the Revised Civil Statutes of Texas, of 1911, by providing that no action for injuries done to the character or reputation of another by libel or slander shall be maintained unless written notice of the claim therefor has been given by the claimant to the adverse party or parties within ninety-five days after the accrual of the cause of action,"

Has had the same under consideration and I am directed to report it back to the Senate with the recommendation that it do not pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 81, A bill to be entitled "An Act to amend Article 5663 and add Articles 5663a, 5663b and 5663c, Title 86, Chapter 8, of the Revised Civil Statutes of Texas of 1911, relating to fixing a special lien in favor of hotels, inns and boarding houses

and providing a remedy for the enforcing of said lien by advertising and selling the baggage and other property of the guests of such hotel, inn or boarding house, providing for the disposition of the proceeds of said sale, defining the term hotel and inn and declaring an emergency."

Has had the same under consideration and I am directed to report it back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 156, A bill to be entitled "An Act to amend Section 1 of Chapter 74, page 139 of the Acts of the Regular Session of the 35th Legislature, so as to extend the time when said Act shall become effective to January 1, 1921, and declaring an emergency,"

Has had the same under consideration and I am directed to report it back to the Senate with the recommendation that it do not pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 49, A bill to be entitled "An Act to increase the Civil Jurisdiction of the County Court of Mitchell County, and declaring an emergency,"

Has had the same under consideration and I am directed to report it back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 44, A bill to be entitled "An Act to amend Article 5597 of Chapter 1, Title 84, of the Revised Civil Statutes of Texas of 1911, so as to make privileged, without proof of actual malice, fair, true, and impartial accounts of all executive and legislative proceedings, including all reports and proceedings in or before

legislative committees, boards of managers of public educational and eleemosynary institutions, city councils and other governing bodies of cities and towns, commissioners' courts and boards of trustees of public schools,"

Has had the same under consideration and I am directed to report it back to the Senate with the recommendation that it do pass, with the following committee amendment:

"Amend the bill by adding Section 5 thereto, as follows: 'The fact that there is doubt with respect to the right of newspapers and other periodicals to publish a fair, true and impartial account of reports of proceedings in and before legislative committees, or of any debate or statement in or before the legislature, or in or before any of its committees, and the fact that proceedings are now pending before legislative committees with respect to which it is of importance that the public be fully advised, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule that bills be read upon three several days, and that this bill take effect from and after its passage, and it is so enacted.'"

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 30, providing that soldiers and sailors on actual duty, absent from precinct, in the service of the State or United States, may exercise the rights of franchise at all general, primary, special or local elections had in the State, etc.,

Have had same under consideration and beg leave to report same back to the Senate with the recommendation that the same do not pass.

BUCHANAN of Scurry,  
Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 129, providing for the nomination of candidates in primary

elections in this State, at one election, providing for "first" and "second choice" at same primary election, etc.,

Have had same under consideration, and beg leave to report the same back to the Senate with the recommendation that the same do pass.

BUCHANAN of Scurry,  
Chairman.

Committee Room,  
Austin, Texas, Feb. 3, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 163, "An Act to amend Section 7, House Bill No. 97, passed by the First Called Session of the Thirty-fifth Legislature, providing certain manner of marking bales of cotton ginned by each and every ginner, etc.,"

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that the same do pass.

BUCHANAN of Scurry,  
Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 140, A bill to be entitled "An Act to make appropriations for deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1913; August 31, 1915, August 31, 1916 and August 31, 1919, to cover duly authorized deficiency claims registered in the office of the Comptroller of Public Accounts of the State of Texas, in accordance with law, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 19, being a bill to be entitled "An Act to regulate and su-

pervise the sale and purchase in this State of stocks by any person, firm, corporation, joint stock company, or other association of persons, organized for profit which propose to increase their capital stock; and to regulate and supervise the sale and purchase in this State of stocks of persons, firms, corporations, joint stock companies, or other associations of persons, being organized and hereafter organized or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale and purchase of such stock, and to fix commissions and promotion fees allowed to be charged; and providing for service of process, examination fees, and exempting certain corporations from the effect of this Act; providing penalty for the violation of the provisions of this Act, and declaring an emergency,"

Have had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendments:

(Committee Amendments.)

Strike out the words "twenty dollars" in the last line of the first paragraph of Section 3, page 2, and insert in lieu thereof the following:

"Fifty (\$50.00) Dollars where the issuance of stock sought to be authorized for sale shall be Five Hundred Thousand (\$500,000.00) Dollars or less, and One Hundred (\$100.00) Dollars filing fee where the amount of stock sought to be placed on sale is in excess of Five Hundred Thousand (\$500,000.00) Dollars, said fees to be turned into the State Treasury as other fees of office."

Amend the bill by adding to Section 4, Section 4a, to read as follows:

"Section 4a. No permit to do business in this State shall ever be issued by the Secretary of State, or the Commissioner, nor shall any application to sell its stocks in this State ever be granted to any corporation, joint stock company, or associations of persons operating under trust agreement, organized and incorporated under the laws of some other State, where such association or incorporation was procured not in good faith, and with a bona fide intention to maintain its domicile and transact its principal business in said

State, but made and procured as a sham or device to enable it to operate in the State of Texas in the transaction of the major portion of its business, and where the real intent and purpose was to organize outside of Texas so as to evade the compliance with the Texas laws regulating corporations, associations and joint stock companies."

Amend the bill so that Section 13 shall read as follows:

"Section 13. Before engaging in the business of selling within this State, as an agent or broker, any of the stocks or shares subject to the operation of this Act (and not coming within any of the exceptions mentioned in Section 18 of this Act) such agent or broker shall obtain a license from the Secretary of State, authorizing him to pursue such business in this State. Such license shall not be issued to any person who does not possess a good moral character, and a fair business reputation, and who has not been a bona fide resident in the State of Texas for at least sixty (60) days next prior to the issuance of said license.

"The Secretary shall charge a fee of One (\$1.00) Dollar for each license so issued, and the said license shall be good for a period of one year from the date of issuance, unless sooner revoked by the officer issuing same for misrepresenting the character or value of the stock offered for sale by such agent or broker, or for other dishonest or disreputable conduct on the part of said agent or broker.

"Said license shall be renewed annually.

"The city or town in which such agent or broker may maintain his office or prosecute his business shall be authorized to collect a similar license fee to that charged by the State.

"The license herein provided for shall be kept conspicuously posted in the office of said agent or broker, or if said agent or broker maintains no office shall be kept in his personal possession and exhibited to every prospective purchaser of the stocks offered for sale by him before attempting to make sale of such stocks."

Amend the bill so that Section 14 shall read as follows:

"Section 14. It is hereby declared to be a misdemeanor for such

agent or broker to violate any one of the provisions of Section 13 of this Act. Any of said violations shall be a misdemeanor punishable by a fine of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars, or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment, and each sale by such agent or broker shall constitute a separate offense."

Amend the bill so that Section 15 shall read as follows:

"Section 15. In order to insure proper and adequate enforcement of this Act:

"(a) It is hereby made the duty of the Attorney General of this State to appoint, designate and set apart a competent assistant from his office, whose special work shall consist of advising the Secretary of State and the Commissioner as to the proper interpretation and administration of this law, and to supervise the preparation of all the necessary forms to be used in the administration of said law.

"(b) Such Assistant Attorney General shall, either on his own initiative or at the request of either the Secretary or Commissioner, or upon the complaint of any reputable citizen of this State, diligently investigate all infractions or violations of this law, and shall co-operate with the various county authorities in obtaining evidence, prosecuting and securing conviction in the Criminal Courts, of all such offenders as, in his judgment, should be criminally prosecuted.

"(c) He shall have authority to examine books, papers, files and records of any and every concern or organization or association subject to the operation of these Acts under the same terms and regulations as are contained in Articles 1187, 1188, 1189 and 1190 of the Revised Civil Statutes of Texas of 1911, authorizing the examination of the books and records of private corporations by the Attorney General, or his assistants, and said Articles are hereby expressly made applicable to the said assistant in the performance of his duties under this Act.

"(d) If said Assistant Attorney General fails or is unable to secure obedience to this law by other means, he is authorized in the exercise of his discretion in the case of offenders to institute suit of quo war-

ranto; to apply for and obtain injunction to restrain any and all violations of this Act, the appointment of receivers and the dissolution of said offending corporation, joint stock company, or association, and for such other relief, either legal or equitable, as may be necessary to the end of obtaining enforcement of all of the provisions of this Act.

"(e) Failure to comply with the provisions of this Act, after proper notification of such delinquency has been brought to the attention of the offender by any of the officials charged with the enforcement of this law, shall constitute willful disobedience thereto, and shall authorize the Assistant Attorney General to institute and maintain quo warranto and injunction suits against such offending concerns, and upon such showing it shall be the duty of the court to grant all proper relief by way of dissolution, appointment of receiver, or any other appropriate relief called for by the case.

"(f) The venue of all suits contemplated by Section 9 of this Act shall be in the District Courts of Travis County, Texas.

"Section 16. The Special Assistant Attorney General, Secretary and Commissioner shall annually make a written report to the Governor, setting forth the work done under these laws, the effectiveness of their operation and containing any suggestions or recommendations with regard to the improvement or increased efficiency of said laws as may be developed by their experience and observation in the enforcement of the same."

Amend the bill so that Section 13 shall be Section 17.

Amend the bill so that Section 14 shall be Section 18

Amend the bill so that Section 15 shall be Section 19.

Amend the bill so that Section 16 shall be Section 20.

Amend the bill so that Section 17 shall be Section 21.

Amend the bill so that Section 18 shall be Section 22.

Amend the caption so that it shall read:

"An Act to regulate and supervise the sale and purchase in this State of stocks by any person, firm, corporation, joint stock company or other association of persons, organized for profit, which propose to increase their

capital stock; and to regulate and supervise the sale and purchase in this State of stocks of persons, firms, corporations, joint stock companies, or other associations of persons, being organized and hereafter organized for profit and to regulate and supervise the offering or contracting for sale and purchase of such stock; and to fix commissions and promotion fees allowed to be charged; prohibiting the issuance of permits to do business and the granting of applications to such concerns organized or incorporated under the laws of some other State with the intent and purpose to evade the laws of Texas; providing for the licensing of agents and brokers offering for sale within this State stocks or shares subject to the operation of this Act, and providing penalties for violations by agents and brokers; requiring the Attorney General to appoint, designate and set apart a competent assistant to advise the Secretary of State and Commissioner of Banking and Insurance in the enforcement of this Act, setting forth his rights, duties and powers in such enforcement and authorizing the institution of quo warranto, injunction and other suits; and, providing for service of process, examination fees and exempting certain corporations from the effect of this Act; providing a penalty for the violation of the provisions of this Act, and declaring an emergency."

DEAN, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Insurance and banking, to whom was referred H. B. No. 105, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

SMITH, Chairman.

#### SEVENTEENTH DAY.

Senate Chamber,

Austin, Texas, Feb. 5, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum be-